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EXAMINER

FILIPCZYK, MARCIN R

ART UNIT PAPER NUMBER

2161

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/931,840

Applicant(s)

BIRDER, MATTHEW D.

Examiner

Marc R Filipczyk

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2161

### **DETAILED ACTION**

This action is responsive to Applicant's amendment and RCE filed February 7, 2005 wherein claims 1-24 are pending.

**To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).**

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 7, 2005 has been entered.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 13, the term "approximates" is indefinite. The term approximates is not definite because it is not clear what the meets and bounds of approximate are, instead the interpretation is open to the reader.

Art Unit: 2161

Claims 2-12 and 14-24 depend from 1 and 13 respectively, therefore contain the deficiencies of these claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 2, 4-14 and 16-24 are rejected under 35 U.S.C. 102(e) as best as the examiner is able to ascertain as being anticipated by Sundaresan (U.S. Patent No. 6,487,566).

Regarding claims 1 and 13, Sundaresan discloses a computer system and method for generating a transformation document comprising: (fig. 1, 106)

analyzing a target document, said target document comprising one or more patterns; and (fig. 1, item 124, col. 4, lines 35-40 and col. 6, lines 33-37)

automatically generating, based at least upon said target document, a transformation document (fig. 1, item 108/118), which, when processed in conjunction with a source document (fig. 1, item 112 and col. 5, lines 41-50) causes said source document to be transformed into a result document that at least approximates said target document such that said result document comprises said at least one or more patterns (fig. 1, item 126 and col. 6, lines 29-63).

Art Unit: 2161

Regarding claims 2 and 14, Sundaresan discloses target and source documents are XML (abstract, lines 1-3).

Regarding claims 4 and 16, Sundaresan discloses a target document comprises a particular data structure pattern, and wherein automatically generating said transformation document comprises: (fig. 1)

inserting a template comprising one or more actions into the transformation document, the template causing said particular data structure pattern to be created in said result document when a particular triggering data structure pattern is encountered during processing of said transformation document (fig. 1, item 110 and col. 6, lines 29-67).

Regarding claims 5 and 17, Sundaresan discloses source and target documents both comprise a particular data structure pattern, and wherein automatically generating said transformation document comprises: (fig. 1)

inserting a template into said transformation document, said template comprising a copy action, said template causing said particular data structure pattern to be copied into said result document when said particular data structure pattern is encountered during processing of said transformation document (fig. 1, item 110 and col. 6, lines 29-45).

(Note: replacement of data during pattern match is equivalent to copying)

Regarding claims 6 and 18, Sundaresan discloses wherein analyzing said target document comprises:

Art Unit: 2161

compiling a list of data structure patterns that occur in said target document (col. 9, lines 55-60).

Regarding claims 7 and 19, Sundaresan discloses wherein automatically generating said transformation document comprises:

selecting a particular data structure pattern from said list; and

inserting a template comprising one or more actions into the transformation document, the template causing said particular data structure pattern to be created in said result document when a particular triggering data structure pattern is encountered during processing of said transformation document (fig. 1, item 110 and col. 10, lines 46-52).

(Note: Pattern Matching Language (PML) is template based)

Regarding claims 8 and 20, Sundaresan discloses wherein automatically generating said document comprises:

for each particular data structure pattern in said list, inserting a template comprising one or more actions into the transformation document, the template causing said particular data structure pattern to be created in said result document when a particular triggering data structure pattern is encountered during processing of said transformation document (fig. 1, item 110 and col. 10, lines 46-52).

(Note: Pattern Matching Language (PML) is template based)

Regarding claims 9 and 21, Sundaresan discloses:

Art Unit: 2161

analyzing said source document;

wherein analyzing said source document comprises:

compiling a first list of data structure patterns that occur in said source document;

(fig. 1) and,

wherein analyzing said target document comprises:

compiling a second list of data structure patterns that occur in said target document (col. 12, lines 10-25).

(Note: searching and compiling source and target tree and subtree data structure patterns is equivalent to compiling two lists of data structure patterns)

Regarding claims 10 and 22, Sundaresan discloses wherein generating said transformation document comprises:

determining whether any data structure pattern on said first list is identical to a data structure pattern on said second list; (col. 12, lines 13-15) and

in response to a determination that a particular data structure pattern on said first list is identical to a data structure pattern on said second list, inserting a template into said transformation document, said template comprising a copy action, said template causing said particular data structure pattern to be copied into said result document when said particular data structure pattern is encountered during processing of said transformation document (col. 12, lines 19-21).

Regarding claims 11, 12, 23 and 24, Sundaresan discloses a third document of a particular type (fig. 1, item 116 of 112).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundaresan (U.S. Patent No. 6,487,566) in view of Nasr et al (U.S. Patent No. 6,263,332).

Regarding claims 3 and 15, Sundaresan discloses all of the claimed subject matter as discussed above in claim 1 including a transformation document (fig. 1, item 122, Sundaresan) and briefly discusses XSL transformations (see col. 4, lines 1-26), but does not expressly teach the transformation document is in XSLT.

However, Examiner asserts that transforming XML documents by using XSL is notoriously well known. Further, Nasr teaches transforming XML documents by submitting a target query with XSL specifications (fig. 3, items 320 and 380, Nasr). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Sundaresan's transformation document format to XSLT. One would have been motivated to use XSLT because XSLT is an XML based language for rendering documents.



***Response to Arguments***

Applicant's arguments filed on February 7, 2005 have been fully considered but they are not persuasive. The arguments and responses are listed below.

Applicants argue on page 11 of the 2/7/05 response that Sundaresan does not disclose or suggest that a transformation document be automatically generated based upon a target or result document.

Examiner disagrees. Sundaresan clearly discloses and teaches automatic document transformation, see col. 4, lines 22-24. Sundaresan automatically transforms documents based on the patterns of source and target documents, see fig. 1 and col. 6, lines 29-35.

Applicants argue on page 12 of the 2/7/05 response that a 'web daemon 108 is a collection of functional components, Applicant cannot see how it can be interpreted as a "transformation document" as that term is used in claim 1.'

Examiner disagrees. Web daemon utilizes a plurality of components to form a transformation document, see fig. 1, items 108, 118, 120 and 122. Each of those components comprises data and/or instructions for performing the invention (col. 6, lines 1-8) of transforming documents (see title and fig. 1). Note, a document comprises data, and a transformation document comprises data for transforming documents.

Further, to show the similarity between Sundaresan system and that disclosed by the Applicants, note Pattern matching component 118, or more broadly, web daemon 108 used in Sundaresan system's transformation document comprises and uses components 122 and 118

Art Unit: 2161

similar to that of Applicants transformation document described in Applicant's disclosure on page 10, lines 17 and 18. Hence, the transformation document is clearly the same as that claimed.

Last, in Sundaresan system, the target document 124 is clearly input to the transformation document 108/118 as can be seen in the first figure. Applicant's cannot logically argue that the target document 124 is a source document therefore it is different without substantial support and evidence, and even if the target document 124 could be interpreted as a source document Examiner contends that a desired source document (i.e., inputted document 124) is equivalent to a target document because that is the sought, desired, result document.

Applicants argue on page 13 of the 2/7/05 response that no where in "Sundaresan is it disclosed or suggested that the pre-processing component 112 be processed in conjunction with the web daemon 108.

Examiner disagrees. The pattern matching component (transformation document) 108/118 is derived by the pre-processing component 112 and target input 124 to generate output 126, please refer to fig. 1 and col. 5, lines 41-50.

Applicants argue on page 14 of the 2/7/05 response that Nasr does not make up the deficiencies of Sundaresan.

Examiner disagrees. Examiner notes that Sundaresan discloses all the subject matter of the independent and most dependent claims and therefore does not comprise any deficiencies

Art Unit: 2161

with regard to at least independent claims 1 and 13, thus Nasr is not relied upon for the argued independent claims, as such the Applicants argument is moot in view of Sundaresan.

With respect to all the pending claims 1-24, Examiner respectfully traverses Applicants' assertion based on the discussion and rejection cited above.


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF  
March 29, 2005

  
**FRANTZ COBY**  
**PRIMARY EXAMINER**